

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>ALFRED DEL RIO A/K/A ALFREDO DEL RIO and OLIVIA DEL RIO,</p> <p>Plaintiff,</p> <p>v.</p> <p>McCABE, WEISBERG & CONWAY, LLC; NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING; and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT INC., ALTERNATIVE LOAN TRUST 2007-11T1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-11T1,</p> <p>Defendants.</p>	<p>Case No. 1:19-CV-10312-VSB</p>
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**NOTICE OF DEFENDANTS SHELLPOINT'S AND
BONYM'S MOTION TO DISMISS THE COMPLAINT AND
STRIKE CLASS ALLEGATIONS**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Jordan M. Smith, dated January 7, 2020, and all of the exhibits attached thereto; and upon the accompanying Memorandum of Law, defendant NewRez LLC dba Shellpoint Mortgage Servicing (**Shellpoint**) and The Bank of New York Mellon F/K/A The Bank of New York, as Trustee for the Certificateholders of CWALT Inc., Alternative Loan Trust 2007-11T1, Mortgage Pass-Through Certificates, Series 2007-11T1 (**BoNYM**) will move this Court before the Honorable Vernon S. Broderick, United States District Judge, Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 518, New York, NY 10007, at such time designated by the Court, for an order dismissing plaintiffs Alfred Del Rio aka Alfredo Del Rio and

Olivia Del Rio's complaint with prejudice pursuant to Rule 12 as well as to strike plaintiffs' class allegations pursuant to Rules 12 and 23, and all other reasons set forth in the memorandum of law.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, must be served and filed on or before February 7, 2020, whereupon movant may serve and file reply papers on or before February 21, 2020.

Dated: January 8, 2020
New York, New York

AKERMAN LLP

By: /s/ Jordan M. Smith
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Shellpoint Mortgage Servicing and The Bank of
New York Mellon F/K/A The Bank of New York, as
Trustee for the Certificateholders of CWALT Inc.,
Alternative Loan Trust 2007-11T1, Mortgage
Pass-Through Certificates, Series 2007-11T1*

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